

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
)
FARRER, David) Group Art Unit: 3774
)
Application No.: 10/645,962) Examiner: Jonathan Stroud
)
Filed: August 22, 2003) Confirmation No.: 8400
)
For: TISSUE REPAIR AND REPLACEMENT)
)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. §1.56, §1.97 and §1.98 the references listed on the attached Form PTO-SB08 form(s) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-4047 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed. This fee (\$180) should be charged to the undersigned's Deposit Account No. 50-4047 (704614.5015).
- ☒ After the mailing date of a Final Action under § 1.113. See the Statement Under 37 C.F.R. § 1.97(e).
- ☐ After the mailing date of a Notice of Allowance. See the Statement Under 37 C.F.R. § 1.97(e). IV.

STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

- ☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- ☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☒ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- ☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

II. Copies of the Cited Items:

- ☒ Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.
- ☐ Copies of items listed on the attached PTO SB08 form(s) are not supplied because they were previously cited by or submitted to the Patent Office in prior Application No. _____ filed _____, and relied upon in this Application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).
- ☐ Copies of those items in the attached PTO SB08 form(s) were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or

3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO SB08 form(s) with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-4047, Order No. 7045945002 for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

Date: 26 May 2010

By: Malcolm K. McGowan
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

Bingham McCutchen LLP
2020 K Street, N.W.
Washington, D.C. 20006
(202) 373-6000 (Telephone)
(202) 373-6001 (Facsimile)